

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

OP.No. 8793 of 2000(V)

PETITIONER:

**A.K. VIJAYALAKSHMI NAISYAR,
W/O. P.M. BHASKARAN NAIR,
ADVOCATE, MANJERI.**

BY ADV. SRI.A.K.MADHAVAN UNNI.

RESPONDENTS:

- 1. THE MUNICIPAL COUNCIL, MANJERI
MUNICIPALITY, MANJERI, REPRESENTED
BY ITS SECRETARY.**
- 2. STATE OF KERALA, REP. BY ITS SECRETARY TO GOVT.,
LOCAL ADMN., SECRETARIAT, TRIVANDRUM.**

BY SRI.M.P.ASHOK KUMAR.

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

ORDER ON C.M.P. NO. 14652/2000 IN O.P. NO. 8793/2000

DISMISSED

08/10/2007.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. R1/22/6/173A 97-98 DTD. 26/08/1997 ISSUED BY THE RESPONDENT.

EXT.P.2: COPY OF THE APPEAL NO. R1/8/6/173A/97-98 DTD. 04/11/1997 ISSUED BY THE RESPONDENT.

EXT.P.3: COPY OF THE ORDER ISSUED BY THE RESPONDENT.

EXT.P.4: COPY OF THE ORDER NO. R1-461/98 DTD. 03/03/2000 ISSUED BY THE RESPONDENT.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE.

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.8793 OF 2000

Dated this the 8th day of October, 2007

JUDGMENT

Petitioner challenges Ext.P4 appellate order on the question of revision of property tax. That was an order that could have been challenged before the superior authorities under the Statute. This writ petition was filed in the year 2000. I, therefore, proceed to decide the claim on its merits.

2. It is the uncontroverted finding in Ext.P4 that the building which is an auditorium, was, going by the statement of the petitioner, leased at least 36 times an year at the rate of rent that has been fixed. The second paragraph of the impugned Ext.P4 shows that the appellate authority has considered all the relevant aspects and a pragmatic decision has been arrived at.

Having regard to the totality of the facts and circumstances, I do not find that Ext.P4 order is vitiated on the

ground of any jurisdictional error or any legal infirmity. The writ petition fails. The same is accordingly dismissed. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

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